

FILED

MAY - 3 2006

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIAUNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In re:) Case No. 06-21032-D-13L
) Docket Control No. SAC-1
 RONALD KIRK and CAROLYN KIRK,)
)
 Debtors.)

MEMORANDUM OF DECISION

Ronald Kirk and Carolyn Kirk (the "Debtors") filed a voluntary petition under Chapter 13 of the Bankruptcy Code on April 6, 2006. On April 27, 2006 the Debtors filed a Motion to Extend Automatic Stay and Memorandum of Points and Authorities in Support Thereof (the "Motion"). The Debtors also filed on April 27, 2006 an Application for Order Shortening Time for Hearing on Motion to Extend Automatic Stay (the "Application"). The Application requests that the Motion be heard on May 2, 2006 provided service be accomplished by mail on April 27, 2006. If the Application is granted, creditors would receive two court days notice of the hearing on the Motion.

The declaration of Ronald Kirk (the "Declaration") was filed in support of the Motion. No declaration was filed in support of the Application. The first paragraph of the Declaration merely identifies the declarant; the second paragraph of the Declaration states that the Debtors had a preceding bankruptcy; and the third

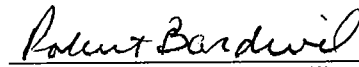
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1 paragraph of the Declaration states that the Debtors are
2 confident of their ability to succeed in the current Chapter 13.

3 The Debtors waited 21 days after filing their bankruptcy
4 petition to file the Motion. There is nothing in the Application
5 to explain why the Debtors waited so long to file the Motion,
6 thus necessitating a hearing on two court days' notice. Further,
7 two court days' notice to interested parties is tantamount to no
8 notice at all. The fact that the Debtors are in need of an order
9 shortening time appears to be self-inflicted.

10 Based on the forgoing, the court finds that the Debtors have
11 put themselves in the predicament of requiring an order
12 shortening time and this predicament is to the detriment of
13 creditors and as such the Application will be denied.

14
15 Dated: May 3, 2006



ROBERT S. BARDWIL
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
CERTIFICATE OF MAILING

The undersigned deputy clerk in the office of the United States Bankruptcy Court for the Eastern District of California hereby certifies that a copy of the document to which this certificate is attached was mailed today to the following entities listed at the address shown on the attached list or shown below.

Office of the U.S. Trustee
501 "I" Street, Room 7-500
Sacramento, CA 95814

Robert Fong
1214 F Street
Sacramento, CA 95814

Lawrence Loheit
P.O. Box 1858
Sacramento, CA 95812-1858

Dated: 5/4/06

Alisan Manning